DOCUMENT RESUME

ED 145 694 FL 008 954

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TITLE Student Data Requirements of Lau Remedies and Texas Senate Bill 121. Title IV-C Pilot Program: An Educational Needs Projection Model. Project Report.
INSTITUTION Houston Independent School District, Tex.
PUB DATE 6 Jul 77
NOTE 15p.

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS Administrative Policy; *Bilingual Education; *Bilingual Students; *Data Collection; *Educational Legislation; Educational Policy; Elementary Secondary Education; *English (Second Language); Language Proficiency; Language Programs; Language Skills; Language Teachers; Language Usage; Non English Speaking; Personnel Needs; School Districts; *Student Characteristics

ABSTRACT

The general purpose of the Title IV-C Pilot Program (An Educational Needs Projection Model) is to develop procedures for forecasting the personnel needed by the Houston Independent School District (HISD) for a five-year period in response to current and expected legislation and changing student population. The present report reviews: (1) the apparent student data requirements of Lau vs. Nichols guidelines and Texas Senate Bill 121, (2) current HISD data collection procedures concerning limited-English-speaking-ability (LESA) students, and (3) recommendations for a district policy to meet the apparent data collection requirements for LESA students. (Author/CLK)

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ED145694

Title IV-C Pilot Program: An Educational Needs Projection Model

Project Report

Student Data Requirements of Lau Remedies And Texas Senate Bill 121

Prepared by

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July 6, 1977

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NATIONAL INSTITUTE OF EDUCATION

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Student Data Requirements of Lau Remedies
and Texas Senate Bill 121

Introduction

The general purpose of this project (Title IV-C Pilot Program: An Educational Needs Projection Model) is to develop procedures for forecasting the personnel needed by the Houston Independent School District (HISD) for a five-year period in response to current and expected legislation, changing student population, etc. During the first project year, 1976-77, emphasis was placed on forecasting the personnel needed for bilingual education programs.

The report reviews (a) the apparent student data requirements of Lau vs Nichols guidelines and Texas Senate Bill 121, (b) current HISD data collection procedures concerning limited-English-speaking-ability (LESA) students, and (c) recommendations for a district policy to meet the apparent data collection requirements for LESA students. It should be emphasized that this report consists of the interpretation of the author and has no official sanction or legal status.

Apparent Data Requirements for LESA Students

Texas Senate Bill 121

> Texas Senate Bill 121 states "... each school district shall determine not later than the first day of March, under regulations prescribed by the State Board of Education, the number of school-age children of limited English-speaking ability within the district and shall classify them according to the language in which they possess a primary speaking ability where 'children of limited English-speaking ability' means children whose native tongue is a language other than English and who have difficulty performing ordinary classwork in English."[1]

Texas Senate Bill 121 incorporates the premise that the typical LESA student would be enrolled in bilingual education programs for three years. In order for a student to be removed from bilingual education classes prior to three years of participation (a) the student's parents must approve the transfer and (b) the student must pass a test of English language proficiency indicating his ability to function at his or her grade level. In addition, Senate Bill 121 states that "...the district shall keep adequate records of the educational level and progress of each child enrolled in the program..."

[1] The term "native tongue" is defined as the language the individual learned to speak first.

In brief, the apparent student data requirements of Texas Senate Bill 121 are (a) to conduct a survey to identify LESA students, (b) to administer a test of English language proficiency to students to be transferred out of bilingual education classes prior to three years of participation, and (c) to provide some measure of "educational level" for placement of students in bilingual education classes and monitoring their progress.

Lau vs Nichols Guidelines

It is expected that the Houston Independent School District (HISD) will be evaluated during the 1977-78 school year by the Office for Civil Rights to determine whether HISD is in compliance with the Lau vs Nichols regulations. The data required of a school district depends on whether the district is found to be or not to be in compliance (Littlejohn, 1976). If a school district is found not to be in compliance, it is required to prepare a plan for complying with the law and it is required to provide additional data on which the school district may be evaluated.

Review for Compliance

"School districts are reviewed for Title VI compliance under Lau in several major areas. The major areas of review include: (1) identification of Student's Primary or Home Language, (2) the delivery of Educational Services, and (3) Staffing Patterns" (Littlejohn, 1976, p4).

In brief, student identification procedures must identify students who come from a home in which English is not the dominant language and must assess the "...degree to which each student speaks and understands English." Delivery of educational services emphasizes whether identified LESA students are receiving appropriate services (that is, bilingual instruction) and whether minority students are segregated from non-minority students for reasons other than bilingual instruction. Staffing will be evaluated in terms of whether the proportion of bilingual teachers is the same as the proportion of LESA students, i.e., if ten percent of the students are LESA students, than ten percent of the districts teachers should be bilingual.

Lau Remedies for Non-Compliance

If a school district is found not to comply with Title VI of the Civil Rights Act, "the requirement is for the district to develop a detailed plan, complete with a description of the who, what, when, why and how of all corrective action to be taken in achieving compliance" (Littlejohn, 1976). Guidelines for achieving compliance, for a school district found not to be in compliance, are contained in a document entitled "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices, Ruled Unlawful Under Lau vs. Nichols" (Lau Remedies) published by the Office for Civil Rights in 1975.

The Lau remedies consider eight areas:

I. Identification of the Student's Primary or Home Language;

II. Diagnostic/Prescriptive Approach;

III. Educational Program Selection;

IV. Required and Elective Courses;

V. Instructional Personnel Requirements;

VI. Racial/Ethnic Isolation and/or Identifiability of School and Classes;

VII. Notification to Parents of Students Whose Primary Language is Other than English;

VIII. Evaluation. Student data requirements are considered primarily in reference to areas I and II.

Under the Lau Remedies a school district must identify a student's primary or home language and categorize students. A student qualifies for services if he meets any one of the following criteria: (a) the student's first acquired language is other than English; (b) the language most often spoken by the student is other than English; or (c) the language most often spoken in the student's home is other than English, regardless of the language spoken by the student.

> "In order to make the aforementioned assessments the district must, at a minimum, determine the language most often spoken in the home, regardless of the language spoken by the student, the language most often spoken by the student in the home and the language spoken by the student in the social setting (by observation).
>
> These assessments must be made by persons who can speak and understand the necessary language(s). An example of the latter would be to determine by observation, the language used by the student to communicate with peers between classes or in informal situations. These assessments must cross-validate one another (Example: Student speaks Spanish at home and Spanish with classmates at lunch). Observers must estimate the frequency of use of each language spoken by the student in these situations.
>
> In the event that the language determinations conflict (Example: student speaks Spanish at home, but English with classmates at lunch), an additional method must be employed by the district to make such a determination (for example the district may wish to employ a test of language dominance as a third criterion). In other words, two of the three criteria will cross-validate or the majority of criteria will cross-validate (yield the same language)" (Lau Remedies, p. 3-4).

The linguistic function or ability of the identified students must then be assessed to place students in one of the following categories:

"A. Monolingual speaker of the language other than English (speaks the language other than English exclusively).

B. Predominately speaks the language other than English (speaks mostly the language other than English, but speaks some English).

C. Bilingual (speaks both the language other than English and English with equal ease).

D. Predominately speaks English (speaks mostly English, but some of the language other than English).

E. Monolingual speaker of English (speaks English exclusively).

In the event that the student is multilingual (is functional) in more than two languages in addition to English, such assessment must be made in all the necessary languages." (Lau Remedies, p.2).

In addition, it may be necessary to categorize and offer services to students from student categores A through D who are one or more standard deviations below the mean in student achievement (Gonzalez and Fernandez, 1976).

The Lau Remedies also require that the students identified for services be evaluated to determine their educational needs and an appropriate educational program prescribed. This educational evaluation is to include consideration of both the cognitive and affective domain and learning styles.

In brief, if a school district is found not to be in compliance with the Lau vs. Nichols guidelines, the school district must (I) establish procedures for identifying eligible students by (a) observation of the students use of language, (b) surveying the parents of students, (c) assessing the students language abilities, and (d) assessing the students academic achievement; and (II) assess the students cognitive and affective educational needs and preferred learning style.

Current HISD Data Collection Procedures

Texas Senate Bill 121 requires the school districts to conduct a survey to determine the number of LESA students in the school district by grade level and by their home language. This survey is conducted in HISD by asking teachers and counselors "to identify students not working at grade level because of their inability to understand English adequately." The guidelines (see appendix) suggested for identifying students are ambiguous, but 11 percent of the student body in the lower elementary grades are typically categorized as LESA students.

Recommendations

A committee composed of HISD personnel has been working to prepare recommendations for HISD to institute in 1977-78 to comply with Texas Senate Bill 121 and the Lau vs. Nichols guidelines and a conference was recently held with representatives from HISD, the Texas Education Agency, and the Region IV Education Service Center on procedures to (a) determine the number of LESA students in HISD, (b) select students for bilingual education programs, (c) establish criteria for returning students to the regular education program after they have been enrolled in bilingual education programs, and (d) determine the extent to which the needs of LESA students in HISD are being met.

The following data collection and testing procedures were recommended:[2]

I. Screening

Screen all students referred by school personnel or parents with a Language Resource Questionnaire for Parents (to determine (a) if the student was born in the United States, (b) if the student's first language was other than English, (c) if the language most often spoken by the student is other than English, and (d) if the language spoken in the student's home is usually other than English) and a Language Resource Questionnaire for Teachers (to determine the teacher's rating of the student's relative ability to use the English language and the general level of achievement of the student). Also screen all newly enrolled students by adding items "a" through "d" to the student enrollment card.

II. Identifying Students with Achievement Data

Given the list of students identified in the screening process, determine which students are performing at or above the 40th percentile (national norms) on achievement tests administered in the English language. Those students who are achieving satisfactorily in the regular education program, as evidenced by performing at the 40th percentile or higher or achievement tests in the English language, would be continued in the regular education program. The tests used here would be those usually adminsitered by the Group Testing Department. Students not tested by Group Testing would go on to step III.

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2 The estimated cost of each step in the screening and testing procedures, is as follows: (I) $61,310; (II) $250; (III) $160,700; (IV) $15,700; (V) $700; and (VI) $23,500 This is a subtotal of $262,160. Personnel, employee benefits, supplies, travel, and consultant money for this project are estimated to cost $71,486. The total estimated cost of these procedures for screening and testing in "k" through "6" is $333,646.

III. Identifying Students with English Language Proficiency Data

Given the list of students identified in the screening process minus those who are achieving satisfactorily, determine which students are performing at or above the 40th percentile for native English speakers on a test of English language proficiency. Those students whose ability to understand and use the English language is satisfactory, but whose educational achievement was below the 40th percentile would be referred for additional services, but would not be enrolled in bilingual education or ESL programs. Administer test of Listening Comprehension in English and Verbal Fluency in English (K-2), as well as Reading Comprehension in English (3-6) to a large sample of HISD students (e.g., 1,000 per grade level K-6) to establish local norms for English language proficiency. Administer these tests (subtests of New York Language Assessment Battery) to students referred by steps I and II.

IV. Assessment of Language Proficiency or Dominance

Given the students identified in the screening process minus those students whose performance is satisfactory academically or in terms of English language proficiency, determine the student's language proficiency or dominance by administering a language test of the student's home language.

V. Enrollment in Bilingual Education Program

On the basis of information obtained in the previous four steps, (a) categorize students in terms of the Lau categories, and (b) enroll all LESA students whose academic performance and English proficiency skills are unsatisfactory in bilingual education.

VI. Retest Students in Bilingual Education Programs

At the end of each school year, each student enrolled in a bilingual education program will be given an achievement test in his home language, an achievement test in English and a test of English language proficiency. This information will be used (a) to determine individual student progress, (b) to evaluate the effectiveness of bilingual education programs, and (c) as a basis for returning successful students to the regular education programs.

Comments:

In my opinion some of the procedures prescribed or suggested by Lau remedies are unreasonable. These procedures seem to reflect the beliefs of linguists on how language should be assessed; and although there may be some theoretical merit in obtaining such data, there is no reason or empirical evidence to support the contention that these procedures will prove to be more useful than the less expensive procedures they are to replace. The

procedures that I question concern the following: (1) procedures for assessing the student's primary or home language, (2) procedures for assessing English language proficiency, and (3) procedures for determining the educational needs of individual students.

procedures for assessing student's primary language

The Lau remedies state that in addition to determining the language usually spoken in the student's home, bilingual observers must "estimate the frequency of use of each language spoken by the student' in social settings, that is, in talking with his peers. I believe that the observation and assessment of language use with peers is not necessary to determine if a student is eligible for bilingual education or for determining the student's primary or dominent language. I also believe that it is unreasonable to expect school districts to hire and train bilingual individuals to observe students in social settings to determine the frequency of use of the languages they speak. Such observations will be of doubtful reliability or validity unless conducted ober an extended period of time by individuals with linguistic training and could only be collected at large expense. Our purpose is to identify students who need bilingual instruction, not to conduct linguistic research. School districts have limited resources and the majority of these resources should be spent on the instructional program, rather than in studying the language behavior of students who may be enrolled in the educational programs.

As a corollary of this argument, if it is deemed necessary or desirable to determine language dominance in two or more languages, this can best be done by administering a test of language dominance or proficiency in the student's home language and in English.

procedures for assessing english language proficiency

Influential individuals and authorities in the field of bilingual education have been much influenced by the arguments of linguists concerning the nature of language assessment that is most meaningful. Linguists generally endorse measures of syntax (i.e., grammatical structures) and characteristics of language that vary developmentally and tend to be critical of tests which assess language in reference to vocabulary, agreement of subject and verb, number and tense markers, etc. The assessment of language in terms of syntax and changes in the development of the child is theoretically meaningful, but in most cases does not provide information useful for educational programming. Assessment procedures should depend on the use for which the test information is to be used.

The purpose of the Lau Remedies is to provide appropriate educational services for students who can not adequately benefit from the regular education program due to their limited ability to comprehend and use the English language. The purposes for assessing a student's language proficiences would depend on (a) the students grade level, (b) the curriculum of the school and (c) the type of educational program needed by students in the different Lau categories. Educators need to decide such questions as (a) what language to teach the student to read in first, (b) what group of students an individual student should be matched with for appropriate group instruction, (c) at what level in the curriculum the student should be started,

etc. To address these questions information on the student's listening and reading comprehension skills in both languages, and measures of academic achievement related to the schools curriculum would seem appropriate. Measures of syntax or language development would not seem to be of greatest concern to educators for making these decisions. In the upper elementary grades and in English-as-a-Second-Language (ESL) courses, measures of syntax may be related to the curriculum and thus of use to educators. Measures of language characteristics broader than just syntax, however, will be needed by educators for educational programming.

procedures for determining educational needs

The Lau remedies prescription of measures of the cognitive and affective domain and of learning styles seems an ambiguous and fadish recommendation. What is needed is one or more measures of academic achievement that are related to the curriculum used by the school district. Performance on such measures of academic achievement, administered in either or both of the student's languages, would provide information of use to educators.

In brief, the assessment procedures and instruments used should depend on the educational purposes they are intended to serve.

References

Gonzalez, J. M., and Fernandez, R. Toward the development of minimal specifications for Lau-related language assessments.

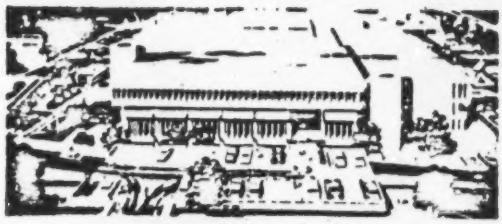
Littlejohn, J. The "Lau" issue. A presentation at the Ten State Regional Interstate Planning Project, San Antonio, Texas 1977.

Task force findings specifying remedies available for eliminating past educational practices ruled unlawful under Lau vs Nichols. Office of Civil Rights, 1975.

APPENDIX

Houston Independent School District

3830 RICHMOND AVENUE • HOUSTON, TEXAS 77027
AREA CODE (713) 623-5011



September 29, 1976

TO: Principals

RE: Senate Bill 121 - LESA Survey Form

Senate Bill 121 requires a school district to provide a program of bilingual instruction if it has 20 or more students whose dominant language is other than English and who are having difficulty performing ordinary classroom work in English.

Senate Bill 121 provides for three types of bilingual programs:

State Required	K-3
Optional	4-5
Permitted	6-12

There are many students of limited English-speaking ability in HISD for whom programs of bilingual instruction will be conducted during 1976-77. Please complete the attached LESA (Limited English-speaking Ability) Survey Form as carefully as possible. Classroom teachers and counselors should be able to identify students not working at grade level because of their inability to understand English adequately.

The following guidelines are appropriate for the identification of LESA students:

1. All students, K-3, who have been referred to bilingual class must be included.

2. For other students with limited English-speaking ability, K-12, teacher evaluation, student performance records, and standardized test scores may be used for identification and listing on the form.

   a. Include students whose scores on the reading and language arts section are below the 40th percentile (national norms).

   b. Include students who are from non-English-speaking backgrounds but are English dominant (speaks more English than the other language) if his/her language ability in English is below that of a native English-speaking student of the same age and grade level.

GS-045-7

HISD has set for itself a high priority in meeting the needs of limited English-speaking students. Accurate data are needed for this purpose.

Please send the LESA Survey Form to Mrs. Oralia Rios, Bilingual Programs, Level 3, South, on or before October 6. Please keep a copy of the form as well as a list of the pupils identified.

Gonzalo Garza
Deputy Superintendent
General Instructional Services

Gordon Cotton
Deputy Superintendent for Administration

cc: Charles R. Nelson
Oralia Rios
Joseph Angle
Linus Wright

GS-045-8

District Name

TEXAS EDUCATION AGENCY
Research Office

County District No. (1-6)

SURVEY OF BILINGUAL EDUCATION NEEDS
(Fall Survey District Supplement No. 1)

SECTION I

Enter the number of children of limited English-speaking ability (LESA) enrolled in each grade level (PRE-K to 12, SPECIAL EDUCATION). Children of limited English-speaking ability means children whose native tongue is a language other than English and who have difficulty performing ordinary class work in English, Section 21.452, Texas Education Code. Enter the total number of children of LESA whose primary language is as indicated. NOTE: Administrative Procedure 3581 (c-a) specifies that each school district must have on file a Policy Statement adopted by its Board of Education delineating the district's method and criteria to be used for identifying and placing children of limited English-speaking ability in a State Bilingual Program.

LINE	LANGUAGE	GRADES														SPE ED
		PRE-K	K	1	2	3	4	5	6	7	8	9	10	11	12	
11	SPANISH															
12	GERMAN															
13	KOREAN															
14	CHINESE															
15	FRENCH															
16	VIETNAMESE															
17	ALL OTHER FOREIGN LANGUAGES															
(7-8)	9-28	29-32	33-36	37-40	41-44	45-48	49-52	53-56	57-60	61-64	65-68	69-72	73-76	77-80	81-84	85-

SECTION II

Enter the number of teachers at each grade level (K-6, special education) who are bilingual in English and another language during the 1976-77 school year.

On line 21, enter the number of teachers who are bilingual English and Spanish. Enter the number of teachers who are bilingual English and another language (other than Spanish) by specifying the language(s) on lines 22 through 29.

LINE	LANGUAGE	GRADES							SPECIA EDUCATI
		K	1	2	3	4	5	6	
21	BILINGUAL (ENG./SPAN.)								
22									
23									
24									
25									
26									
27									
28									
29									
(7-8)	9-28	33-36	37-40	41-44	45-48	49-52	53-56	57-60	85-88

15

GS-045-C1